

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

**JOE MONGE, and
ROSANA MONGE,**

Debtors.

CASE NO. 08-30881-LMC

CHAPTER 11

**EX PARTE MOTION FOR THIRD EXTENSION OF TIME TO FILE SCHEDULES
AND STATEMENT OF FINANCIAL AFFAIRS PURSUANT TO BANKRUPTCY RULE
1007 AND L. RULE 1007**

TO THE HONORABLE LEIF M. CLARK, UNITED STATES BANKRUPTCY JUDGE:

NOW COMES Joe Monge and Rosana Monge, Debtors in the above entitled and numbered case by and through Sidney J. Diamond of Sidney Diamond, P.C, their attorney of record and files this Motion for Third Extension of Time to File Schedules and Statement of Financial Affairs Pursuant to Bankruptcy Rule 1007 and L. Rule 1007 and would respectfully show the Court the following:

1. The Debtors filed a Petition For Relief Under Chapter 11 of Title 11, United States Code on May 27, 2009. The Debtors remain in possession of their property and are operating their business.
2. That the Voluntary Petition was accompanied by a list of all of the Debtors' creditors and their addresses which meets the requirement of Bankruptcy Rule 1007.
3. There has been one prior requests for an extension of time within which to file schedules and statements.
4. That the time to file schedules and statements expire on May 28, 2009.
5. That the Debtors are unable to prepare and file Schedules and Statement of Financial Affairs as required by Bankruptcy Rule 1007 within the prescribed time, and require additional time to prepare such documents because the Debtors' real estate holdings are

**MOTION FOR THIRD EXTENSION OF TIME TO FILE SCHEDULES AND
STATEMENT OF FINANCIAL AFFAIRS, Page 1**

G:\BankruptcyPRO\Monge, Joe Jesse Monge, Rosana Elena\090528 3rd Motion Ext Time Sch and Stmts.wpd

extensive and preparation of the Schedules and Statement of Financial Affairs have required the assistance of their accountant and require additional time to prepare them.

6. That the Debtors seek an extension of time until June 8, 2009 to prepare and file Schedules and Statement of Financial Affairs. The 11 U.S.C. § 341 meeting is scheduled for June 10, 2009 at 1:00 pm.

WHEREFORE, THE DEBTORS PRAY:

1. For an Order extending the time to file Schedules and Statement of Financial Affairs until June 8, 2009 and,

2. For such other and further relief as the Debtors may show themselves to be justly entitled.

DATED: May 28, 2009.

Respectfully submitted,

SIDNEY DIAMOND, P.C.

By: /s/ Sidney J. Diamond
Sidney J. Diamond
Attorney For Debtor
Texas Bar Card No.: 5803000
3800 N. Mesa, Suite C-4
El Paso, Texas 79902
915-532-3327 Voice
915-532-3355 Fax
Sidney@sidneydiamond.com Email

CERTIFICATE OF SERVICE

I, Sidney J. Diamond, do hereby certify that on May 28, 2009, a true and correct copy of the foregoing Motion for Third Extension of Time to File Schedules and Statement of Financial Affairs Pursuant to Bankruptcy Rule 1007 and L. Rule 1007 , by depositing the same in the United States Mail, properly addressed and postage prepaid, or by fax or email as noted, to the following parties:

DEBTORS:

Joe and Rosana Monge
51 Sierra Crest Drive
El Paso, Texas 79902

MOTION FOR THIRD EXTENSION OF TIME TO FILE SCHEDULES AND STATEMENT OF FINANCIAL AFFAIRS, Page 2

G:\BankruptcyPRO\Monge, Joe Jesse Monge, Rosana Elena\090528 3rd Motion Ext Time Sch and Stmts.wpd

UNITED STATES TRUSTEE:

Office of the U.S. Trustee
P.O. Box 1539
San Antonio, TX 78295-1539

PARTIES IN INTEREST
PREVIOUSLY REQUESTING NOTICE:

City of El Paso
c/o David G. Aelvoet
711 Navarro, Suite 300
San Antonio, TX 78205

Ascension Capital Group
ONYX Acceptance Corp.
Capital One Bank
PO Box 20137
Arlington, TX 76006

El Paso Area Teachers Federal Credit Union
c/o Carlos Miranda III, PC
5915 Silver Springs, Bldg. 3A
El Paso, TX 79912

/s/ Sidney J. Diamond
Sidney J. Diamond

**MOTION FOR THIRD EXTENSION OF TIME TO FILE SCHEDULES AND
STATEMENT OF FINANCIAL AFFAIRS, Page 3**

G:\BankruptcyPRO\Monge, Joe Jesse Monge, Rosana Elena\090528 3rd Motion Ext Time Sch and Stmts.wpd